



"I will stand for my client's rights.
I am a trial lawyer."
—Ron Motley (1944–2013)

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August 21, 2023

VIA ECF

Hon. Richard Mark Gergel
U.S. District Court for the District of South Carolina
J. Waites Waring Judicial Center
83 Meeting Street
Charleston, South Carolina 29401

Re: *In re AFFF Products Liability Litigation*, MDL No. 2:18-mn-2873-RMG

Dear Judge Gergel:

As the Court may recall, during the June 2019 Case Management Conference, Your Honor invited the parties to provide you with significant developments concerning PFOS and PFOA that occur during the pendency of this litigation.¹

As such, and as has been done in the past, the Co-Chairs of the Plaintiffs' *AFFF MDL* Science Committee, Scott Summy, Gary J. Douglas, Christina Cossich, and Robert Bilott ("Science Committee Co-Chairs"), respectfully submit the enclosed EPA Press Release, which reports on the initial nationwide PFAS monitoring data.

As part of this press release, the EPA's Assistant Administrator for Water, Radhika Fox, is quoted stating:

PFAS are an urgent public health issue facing people and communities across the nation. The latest science is clear: exposure to certain PFAS, also known as forever chemicals, over long periods of time is linked to significant health risks.

The Science committee wishes to personally echo the words of Ms. Fox underscoring the urgent public health issue at hand, and thus the importance of the proposed class actions settlements with 3M and DuPont/Chemours in this litigation. Having these settlement funds reach water systems as quickly and efficiently as possible is paramount to the public health. It is estimated that 45% of the nation's population is drinking water contaminated by PFAS chemicals, including PFOA and PFOS, which, as the Court knows, have been classified by EPA as likely human carcinogens for which there is no safe level.²

¹ See June 21, 2019 Case Management Conference Transcript, at 25:7-20.

² EPA Fact Sheet, Proposed PFAS National Drinking Water Regulation, FAQs for Drinking Water Primacy Agencies, available at: epa.gov/system/files/documents/2023-03/FAQs_PFAS_States_NPDWR_Final_3.14.23_0.pdf



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As the Court knows, this settlement would be the largest single source of funding for PFAS remediation to date. The Science Committee is available to assist in any way to ensure that these settlement funds are made available as expeditiously as possible and is at the Court's service so that safe drinking water can be provided to hundreds of millions of Americans without delay, especially in light of the "urgency" expressed by EPA just last week.

We thank the Court for its continued time and courtesies.

Respectfully submitted,

Fred Thompson, III
Plaintiffs' Liaison Counsel

Encl.

cc: All Counsel of Record (by ECF)
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